

Attorney Docket No. 9400-26

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Maria Adamczyk et al;

Confirmation No.: 5392

Application No.: 10/606,675

Filed: June 27, 2003

For: METHODS OF PROVIDING MESSAGES USING LOCATION CRITERIA AND
RELATED SYSTEMS

Date: September 22, 2004

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of June 26, 2003 rather than June 27, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of June 26, 2003 being the correct filing date for the application which was properly filed under 37 C.F.R. § 1.10:


1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt marked by the United States Postal Service ("USPS") as a "date-in" or deposit date with the USPS of June 26, 2003; and
3. A true and accurate copy of our return post card include if applicable: and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of June 27, 2003 instead of the Express Mail date of June 26, 2003.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of June 26, 2003 as the filing date pursuant to 37 CFR § 1.10.

In re: Maria Adameczyk et al;
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Page 2

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

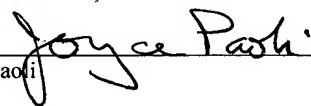
Respectfully submitted,


Scott C. Hatfield
Attorney For Applicant
Registration No. 38,176

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
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Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 22, 2004.


Joyce Paoli



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

ATTY DOCKET NO.: 9400-26

DATE: June 26, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR 1.53(b))**

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR 1.53(b) is:

- ☒ a patent application
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: _____; filed _____, the disclosure of which is hereby incorporated herein by reference in its entirety.
☐ and claims the benefit of Provisional Application No. _____; filed _____.

Inventor(s) or Application Identifier: MARIA ADAMCZYK & EDWARD MICHAEL SILVER

Entitled: METHODS OF PROVIDING MESSAGES USING LOCATION CRITERIA AND RELATED SYSTEMS

Correspondence Address:



20792

PATENT TRADEMARK OFFICE

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 21 pages of Specification (including 48 claims)
3. ☒ 2 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
 - a. ☒ newly executed (*original or copy*)
 - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
 - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under

Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.


7. ☐ Microfiche Computer Program (*Appendix*)
8. ☒ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR 1.27.
10. ☒ Information Disclosure Statement, PTO-1449, and 3 references cited
11. ☒ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of Application No. ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
 - a. ☐ computer readable copy
 - b. ☐ paper copy
 - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$375.00	\$ 750.00
TOTAL CLAIMS	48- 20 =	28	x 09 = \$	x 18 = \$ 504.00
INDEP CLAIMS	3- 3 =	0	x 42 = \$	x 84 = \$
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 140 = \$	+ 280 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$1254.00

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- ☒ A check in the amount of \$1,294.00 is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$
- ☐ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
 - a. ☐ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
 - b. ☐ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

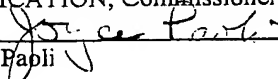

 Scott C. Hatfield
 Registration No. 38,176

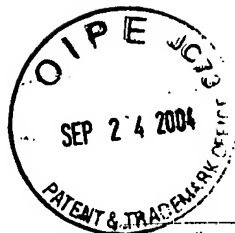
CERTIFICATE OF EXPRESS MAILING

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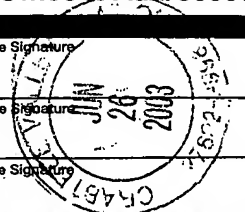
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SC#

Date: 6-26-03
Doc. No. 740026
Serial No. _____

Inventor: ADAMCZYK et al

Sir: 07-15-03 A08:44 IN
Kindly acknowledge receipt of the accompanying items listed below
by placing your receiving stamp hereon and return mailing:

Application Transmittal and:

✓ Specification pages 21

✓ No. of Claims 48

✓ Declaration & POA

✓ Assignment and Fee

Small Entity Statement

✓ Formal Drawings/ 2 sheets

Associate Power of Attorney

✓ Exp. Mail

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Other: _____

✓ Check \$ 1,299.00

✓ IDS & PTO-1449 & 3 refs.

Amendment & Amend. Transmittal

✓ Preliminary Amendment

Issue Fee

Brief

Appeal

Submittal of Priority Doc.

17410 U.S. PTO

10/606675

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A. 06/27/03
Attorneys for Applicant

